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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,902	06/18/2001	Gilad Odinak	WING-1-1015	1702

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BLACK LOWE & GRAHAM, PLLC
701 FIFTH AVENUE
SUITE 4800
SEATTLE, WA 98104

EXAMINER	
SKED, MATTHEW J	

ART UNIT	PAPER NUMBER
2655	

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/884,902	ODINAK, GILAD	
	Examiner	Art Unit	
	Matthew J Sked	2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 June 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: the use of the term "voice sounds signal" on page 3, line 18. It is unclear as whether the applicant is referring to a speech signal as contrasted with no speech or a signal that contains voiced sounds as opposed to unvoiced sounds.

2. The disclosure is objected to because, on page 3, line 19, the term "voice recognition" is misused for what nowadays is called **--speech recognition--** in the speech signal processing art. While "voice recognition" and "speech recognition" were both once used interchangeably to refer to spoken word recognition, nowadays these two terms are distinguished. The term "**voice** recognition" now denotes identification of ***who*** is doing the speaking (class 704/246), while "**speech** recognition" (or "**word** recognition") denotes identification of ***what*** is being said (class 704/251). So, appropriate correction to the proper terms of art is required.

Appropriate correction is required.

Claim Objections

3. Claims 4, 6, 7 and 11 are objected to because of the following informalities:

As per claim 4, the first limitation should read –selecting an address for a voice transmission—and the second limitation should read –receiving at a user input unit a phonation...--.

As per claim 6, the last line should be changed from "destination; and" to –destination.--.

As per claim 7, on line 13, "with a to be generated phonation" should be changed to –with a generated phonation--.

As per claim 11, on line 8, "accord" should be changed to –according--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2, 4, 8-9, 11 and 13-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Urs et al. (U.S. Pat. 6,363,349).

As per claims 1, 8 and 13, Urs teaches a method, apparatus and computer based device comprising:

receiving a voice signal from a source over a network (system establishes a voice path between the communication unit and the communication device hence receiving a voice signal, col. 4, lines 53-64);

determining a destination associated with the received signal (communication service request indicates which mode to operate in where each mode would have a different destination for the signal, col. 4, lines 33-34);

determining a signal processing algorithm from a plurality of signal processing algorithms based on the determined address (performs voice or data PCM depending upon the mode hence would determine the algorithm when the mode is determined, col. 4, line 33 to col. 5, line 7);

processing the voice signal according to the determined algorithm (performs pulse code modulation on the signal, col. 4, line 33 to col. 5, line 7); and

sending the processed signal to the associated address (transfers the signal after being processed to either a communication device or voice recognition unit, col. 4, line 33 to col. 5, line 7).

6. As per claims 2 and 9, Urs teaches wherein determining the processing algorithm comprises finding in memory a signal processing algorithm that is associated with the determined destination address (signal processing is performed on the base station hence the algorithms would be stored in memory on the base station, col. 4, line 33 to col. 5, line 7).

7. As per claims 4, 11 and 14, Urs teaches a method, apparatus and computer based device comprising:

selecting an address for a voice transmission (communication service request indicates which mode to operate in where each mode would have a different destination address for the signal, col. 4, lines 33-34);

receiving at a user input unit a phonation inputted for the voice transmission (system establishes a voice path between the communication unit and the communication device hence receiving a phonation from the user at the communication unit, col. 4, lines 53-64);

if the selected address is associated with a speech recognition device, processing the received phonation according to an algorithm associated with the speech recognition device and sending the processed phonation to the selected destination (if in the data mode the system performs pulse code modulation on the speech data and sends it to the voice recognition unit, col. 4, lines 33-52); and

if the selected address is not associated with a speech recognition device, sending the received phonation to the selected destination according to a delivery method associated with human recipients (if in voice mode the system performs pulse code modulation on the data and sends it to the communication device, col. 4, line 53 to col. 5, line 7).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 3, 5, 10, 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Urs.

As per claims 3 and 10, Urs suggests determining the originator of the voice signal, if the determined destination is a human recipient (suggests performing caller ID, col. 13, lines 16-21).

Urs does not teach if the determined originator is a computer-based system, alerting the recipient that the voice signal is from a computer-base system.

However, the Examiner takes Official Notice that determining if an incoming call is from a computer is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Urs to notify the recipient that a voice signal is from a computer-based system because this phone call would most likely be from a telemarketer and most telephone users find it undesirable to speak to a telemarketer.

10. As per claim 5, Urs teaches:

switching the destination from a destination associated with a human recipient to a destination associated with a speech recognition device (switches between voice and data modes, col. 4, lines 33-34);

sending a switch signal to the base station based on the switched destination (user sends a communication service request to the base site, col. 4, lines 21-32); and

sending the received phonation to the selected destination according to a delivery method associated with human recipients (in voice mode the system performs pulse code modulation on the data and sends it to the communication device, col. 4, line 53 to col. 5, line 7).

Urs does not teach sending a switch signal to the user input unit.

However, the Examiner takes Official Notice that handshake signals are notoriously well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to send a switch signal to the user input unit in response to the communication service request because it would ensure the modes have been switched prior to sending the voice or data hence reducing error.

11. As per claim 6, Urs teaches

switching the destination from a destination associated with a speech recognition device to a destination associated with a human recipient (switches between voice and data modes, col. 4, lines 33-34);

sending a switch signal to the base station based on the switched destination (user sends a communication service request to the base site, col. 4, lines 21-32); and

processing the received phonation according to an algorithm associated with the speech recognition device and sending the processed phonation to the selected destination (in the data mode the system performs pulse code modulation on the speech data and sends it to the voice recognition unit, col. 4, lines 33-52).

Urs does not teach sending a switch signal to the user input unit.

However, the Examiner takes Official Notice that handshake signals are notoriously well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to send a switch signal to the user input unit in response to the communication service request because it would ensure the modes have been switched prior to sending the voice or data hence reducing error.

12. As per claims 7, 12 and 15, Urs teaches a method, apparatus and computer based device comprising:

processing a phonation at a source for reception by a human recipient (the communication unit comprises a radiotelephone hence receiving and processing a user's speech, col. 4, lines 1-3).

sending a signal from a source to a destination according to an address associated with a generated phonation (system establishes a voice path between the communication unit and the communication device based upon the communication service request, col. 4, lines 53-64); and

if the destination is a speech recognition server, sending a change signal from the source to the destination, generating a phonation for reception by a speech recognition server, and sending the newly processed phonation, otherwise generating a phonation at the source for reception by a human recipient (chooses the mode based upon the communication service request, if in the data mode the system performs pulse code modulation on the speech data and sends it to the voice recognition unit and if in voice mode the system performs pulse code modulation on the data and sends it to the communication device, col. 4, line 33 to col. 5, line 7).

Urs does not teach sending a switch signal to the user input unit.

However, the Examiner takes Official Notice that handshake signals are notoriously well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to send a switch signal to the user input

unit in response to the communication service request because it would ensure the modes have been switched prior to sending the voice or data hence reducing error.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ramberg et al. (U.S. Pat. 6,398,105) teaches a system for routing data based upon the data type. Sienel (U.S. Pat. Pub. 2002/0123889A1), filed after this application, teaches a telecommunications system that switches between speech recognition and non-speech recognition data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J Sked whose telephone number is (571) 272-7627. The examiner can normally be reached on Mon-Fri (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L Ometz can be reached on (571)272-7593. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MS
4/21/05

DAVID L. OMETZ
PRIMARY EXAMINER